

# Report to Cabinet

<b>Report Title</b>	<b>Adoption of Thurrock Council Enforcement Policy</b>				
<b>Date of Meeting</b>	22 January 2025				
<b>Report Author</b>	Michael Dineen, Assistant Director for Investigation, Enforcement & Community Protection, Corporate Services				
<b>Corporate Director</b>	Daniel Fenwick, Executive Director Corporate Services & Monitoring Officer				
<b>Lead Cabinet Member(s)</b>	Councillor Victoria Holloway, Cabinet Member for Place & Environment				
<b>Why is this a key decision?</b>	<table border="0"> <tr> <td>1. Expenditure over £500K</td> <td>No</td> </tr> <tr> <td>2. Significant impact on 2 or more wards</td> <td>Yes</td> </tr> </table>	1. Expenditure over £500K	No	2. Significant impact on 2 or more wards	Yes
1. Expenditure over £500K	No				
2. Significant impact on 2 or more wards	Yes				
<b>Wards Affected</b>	All				
<b>Identify exempt information and exemption category</b>	Choose an item.  <i>Not Exempt</i>				

<b>Is report Urgent?</b>	NO
<b>Reasons for urgency (only where applicable)</b>	N/A
<b>Appendices (if any)</b>	1. Thurrock Council Enforcement Policy

## 1. Executive Summary

- 1.1 This report has been prepared to inform the Cabinet about a new policy that identifies and explains when and how Thurrock Council utilises legislation and the process of 'enforcement'. This policy will be an overarching policy that is referred to for specific enforcement policies that are designed by particular service areas.

- 1.2 This policy helps guide those creating their specific enforcement policy to ensure there is a consistent approach to how the Council deals with matters of enforcement, be it criminal or civil.
- 1.3 This policy highlights how the Council will treat people, how it will embark on the enforcement process and how professionalism, fairness and consistency are our drivers behind enforcement.

## **2. Recommendations**

For the reasons set out in this report, the Cabinet is recommended to:

### **2.1 Approve and adopt the Thurrock Council Enforcement Policy**

## **3. Commissioner's Comments**

Commissioners have reviewed the content of this report and comments have now been incorporated into the final version.

## **4. Proposals – the rationale and evidence for the recommendations**

- 4.1 This policy sets out the process required for authorised officers to act promptly, consistently, and effectively in response to allegations of unlawful activities committed against the Council. This policy emphasises that all authorised officers with enforcement duties, functions and responsibilities should act with professionalism, fairness, transparency and consistency.
- 4.2 Councils operate in an increasingly complex legal environments and a policy governing the overall approach taken by officers assists in delivering the consistency that is lacking at times in Local Authority enforcement.
- 4.3 The policy allows for specific service areas, such as Fraud, Planning and Parking Enforcement to have very specific policies for their own areas, yet be guided by this overarching policy. This is a standard practice across local authorities due to the very diverse enforcement activity that takes place.
- 4.4 The policy is not designed to limit the autonomy of the varied enforcement functions within the Council, only assist in a consistent approach. This is a standard that many Local Authorities have and one that will not be unique to Thurrock Council.

4.5 Thurrock Council has not had an overarching Enforcement Policy, which has meant that there were variations in practice across the Council. This policy will allow for this policy to be used to ensure appropriate levels of consistency. This policy will allow for this direction to be used so that service areas that require their own enforcement policy can do so in a corporate led way.

## **5. Alternative options considered**

5.1 Continuing without a Thurrock Council Enforcement Policy would not allow for the service areas to gain consistency in their approaches to enforcement. This would allow opportunity for challenges and objections to decisions to either take or not take enforcement action, in whatever form that may be.

## **6. Consultation**

6.1 Thurrock officers within the various departments that this policy affects have all been consulted and given insight to the policy.

6.2 Place Overview & Scrutiny also scrutinised this paper on 23<sup>rd</sup> October and did not have any significant concerns.

6.3 The PFH, Victoria Holloway has also been consulted on this policy prior to finalisation.

## **7. Financial Implications**

7.1 This report highlights a new enforcement policy, there are no direct financial implications linked to the report. The recovery of legal costs and penalties will remain dependent upon the discretion of the court in either civil or criminal matters. It is Council's aim to recover costs if successful via available proceedings on a fair and reasonable basis.

7.2 **Verified by: Jo Freeman, Head of Financial Management**

## **8. Legal and Governance Implications**

8.1 The Council has a general power of competence as set out in section 1 Localism Act 2011 to adopt the enforcement policy.

8.2 The enforcement policy contains regulatory functions which are defined in statute as:

(a) a function under any enactment of imposing requirements, restrictions or conditions, or setting standards or giving guidance, in relation to any activity; or

(b) a function which relates to the securing of compliance with, or the enforcement of, requirements, restrictions, conditions, standards or guidance which under or by virtue of any enactment relate to any activity.

8.3 While there is no statutory requirement for a council to have an enforcement policy, section 21 Legislative and Regulatory Reform Act 2006 requires any person exercising a regulatory function to have regard to the principles that: regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent; and regulatory activities should be targeted only at cases in which action is needed. The policy proposed to be adopted by this report assists the council in meeting the requirements of this section by setting out how enforcement matters will be dealt with and to ensure consistency across the council.

8.4 This is not a policy forming part of the Policy Framework of the council under paragraph 5.1, Chapter 2, Part 1, Article 4 of the Constitution, which would require Full Council approval, and as such Cabinet can take the decision to adopt the policy.

8.5 **Implications Verified by: Helen Nicol, Assistant Director Legal & Governance**

## **9. Equality and Diversity Implications (including the public sector equality duty)**

9.1 The policy highlights areas of enforcement for regulatory services and how the Council will act fairly and show proportionality in this area of the Council's duties in line with the Equality Act 2010 and due regard to the Public Sector Equality Duty.

9.2 A Community Equality Impact Assessment will be prepared for this policy prior to presentation to Place O&S and will highlight actions to be taken to ensure information is accessible to communities setting out why, when and how Council takes enforcement action related to its services.

9.3 **Verified by: Rebecca Lee, Team Manager, Community Development**

## **10. Other Relevant Implications**

10.1 This policy assists in the Council in its obligations under the Crime and Disorder Act. It will assist in the enforcement of activities that are appropriate for the Local Authority to take.

**11. Background Documents**

11.1 N/A



**Relevance Check**

**Budget Reduction/Service Area: Not Applicable**

**Date: 05/12/2024**

In what ways does this Budget reduction have an impact on an outward facing service? How will the service feel different to your customers or potential customers?

N/A

If not, how does it impact on staff e.g. redundancies, pay grades, working conditions? Why are you confident that these staff changes will not affect the service that you provide?

N/A

Is a Customer Impact Assessment needed? No